ZIAUDDIN UNIVERSITY

GUIDELINES, POLICIES AND PROCEDURES

Policy Title	**ZU Policy on Protection Against Harassment**
Policy Number	ZU/HAR/002
Date of Original Approval	September 19, 2020
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Prepared By	Policy Review Committee
Revision No.	1

PURPOSE:

To define policies and procedures on Protection against Harassment

SCOPE:

Applicable to students, faculty, staff, other members of the university, or vendors / third parties (such as service providers, visitors etc.)

BASIC REQUIREMENTS:

(Documents and other necessities)

HEC Policy on Protection Against Harassment in Higher Education Institutions (Revised 2025)

The protection against Harassment of Women at Workplace (Amendment) Act, 2022

ZU Policy on protection against Sexual Harassment (2020).

RESPONSIBILITIES:

All ZU administrators, deans, principals, faculty, department chairs, directors of programs / administration and others in Academic or Administrative supervisory or leadership positions have an obligation to be familiar with and to uphold this policy and its procedures along with informing members of their staff about its existence.

1. PRINCIPLES AND PURPOSES OF THE POLICY

1.1 Protection against harassment is important not only because it threatens the freedom and conduciveness of the environment at the university. At a more fundamental level, such conduct is unacceptable because it violates personal dignity and shall not be tolerated by the university management under any circumstance.

1.2 In accordance with the terms of this policy, harassment shall be prohibited at the university jurisdiction, and shall constitute a disciplinary offence under the policy. The university management affirms the right of every member of the university community to live, study and work in an environment that is free from harassment. The goal of this policy is to prevent harassment from taking place, and where necessary to act upon complaints of harassment promptly, fairly, judiciously and with due regard to confidentiality for all parties concerned.

1.3 This policy is consistent with and has been made in light of the provisions *HEC Policy on Protection Against Harassment in Higher Education Institutions*. It extends the protection against harassment to all members of the university and provides the option to aggrieved persons to seek recourse to resources within the university.

2. PROHIBITED CONDUCT

2.1 "Harassment" means any unwelcome sexual advance, request for favors or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, where:

i Submission to such conduct is made either explicitly or implicitly a term or condition of an individual participation in any activity within university jurisdiction as defined in clause 3;

ii Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decision affecting that individual; or

iii Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

2.2. Harassment may be overt or subtle and can range from visual signals or gestures to verbal abuse to physical contact along with hand or sign language to denote sexual activity, persistent and unwelcome flirting.

2.3. The following behaviors are specifically prohibited under this policy. This following are meant to provide specificity to the definition provided in clauses 2.1. However, it is not an exhaustive list, and other behaviors that fall within the scope of the definition above shall also be prohibited.

i ***Especially Egregious Non-Consensual Acts***: Acts that would be included in the category of attempted rape. While such situations will be covered under the laws of the country, and law enforcement institutions and the courts will investigate and adjudicate accordingly, the university administration obliged to take preventative measures, offer immediate assistance and take interim measures when required.

ii ***Non-Consensual Sexual Contact***: Includes contact with another person without consent.

iii ***Exploitation:*** Taking of actions that violate the sexual privacy of others or taking sexual advantage of another without their consent. For example, taking pictures, videotaping, viewing or distributing explicit images or sexual information of another person without their consent.

iv ***Other Pervasive or Severe Behaviors***: It is not necessary that there be actual sexual contact for a behavior to be categorized as sexual harassment. Other unwelcome behaviors are also prohibited if (i) they are based on an individual's sex or gender (ii) are persistent or highly serious and (iii) create an atmosphere which is intimidating or hostile. These include but are not limited to lewd remarks or gestures, highly offensive jokes of a sexual nature, commenting inappropriately about another's body, and stalking.

v ***Gender Discrimination***: Adverse treatment of individuals based on their gender rather than on merit. This would include instances such as the singling out (for such adverse treatment as lower salary or grades, or more severe punishment) of person(s) on the basis of sex or gender.

2.4. All the actions categorized as harassment when done physically or verbally would also be considered as sexual harassment when done electronically such as through the internet, e- mails, social media, texting, telephone, voicemail etc.

2.5. All actions of harassment or discrimination may be taken by a person of any gender against a person of the same or another gender and would be considered by the university if the act qualifies as a prohibited act under the policy.

2.6. Harassment is especially offensive when perpetrated by persons in authority, and when submission is made a condition toward any university activity or benefit (for example, when submission is made the basis of the evaluation of an individual).

2.7. Harassment will be considered especially egregious when the accused knew or reasonably should have known that the victim was in an impaired or incapacitated state. However, impairment of the accused, such as a result of the use of any illegal substances, shall not diminish their responsibility for harassment under this policy.

3. JURISDICTION

3.1 This policy applies to actions by students, faculty, staff, other members of the university, or vendors / third parties (such as service providers, visitors etc.), when the misconduct occurs:

i within the university premises;

ii off the university premises, if (i) the conduct occurs in connection with a university recognized program or activity or (ii) the conduct may create a hostile environment or pose a safety or reputational risk to the university; and

iii using the university's computing or network resources.

4. DESIGNATED RESOURCES

4.1 The university will designate at least two members at each campus or site as "**Focal Persons**", at

least one of whom shall be a woman, to offer support and immediate assistance to those who have experienced harassment. Contact information of such individuals shall be easily available, on students' noticeboards and university website.

4.2 The university will constitute a three members university-wide "**Harassment inquiry committee**", at least one of whom shall be a woman, to investigate and adjudicate any allegations of prohibited conduct (the **"Harassment Inquiry Committee**") in accordance with the provisions of Section 7 below. Those who have experienced harassment may also contact members of the Inquiry Committee for support and advice.

5. COMPLAINTS AND REPORTING

5.1 A written complaint may be lodged by any person who has experienced harassment as defined in Section 2 (Prohibited Conduct) read with Section 3 (Jurisdiction) of this policy, with either the *Focal Persons* designated at campus or site or with any member of the *Harassment Inquiry Committee* or with the university registrar or complaint portal or drop the application in the *harassment complaint boxes* fixed at each site/campus of the university.

5.2 In the event that a complainant is reluctant to contact the *Focal Persons* or any members of the *Harassment Inquiry Committee*, the complainant may submit his/her complaint to the supervisor, manager, department chair, principal, dean or VC. The individual contacted may immediately report the case to *Harassment Inquiry Committee* for action.

5.3 In case, if a complainant may not feel comfortable to launch a formal complaint immediately, may report the harassment instance to his/her complaint to the supervisor, manager, department chair, principal, dean or VC. It will be the responsibility of the individual contacted to discuss the case to the Inquiry Committee without identifying either the complainant or the alleged offender and to ask for advice on procedure and policy from them to effect a solution, if a solution is necessary.

5.4 Complainants shall be encouraged to submit complaints promptly, preferably within 3 months but no later than 12 months from the last date of the alleged harassment. An extension of up to 1 year may be granted by the Focal Persons or the Inquiry Committee upon written request stating the reasons for the delay in submitting the complaint.

5.5 All members of the university are encouraged to report any instances of harassment that they may have observed to the *Focal Persons* or the *Harassment Inquiry Committee*. For the purposes of safeguarding the university community, *Harassment Inquiry Committee* have an obligation to investigate material violations of this policy even in the event that a formal complaint has not been filed.

5.6 As soon as a complaint or report is received by one of the designated resources, it shall be shared by him or her (within a period of 24 working hours) with all *Focal Persons* and members of the *Harassment Inquiry Committee* for further action.

6. INTERIM MEASURES AND SPECIAL ARRANGEMENTS

6.1 As soon as a complaint or report is received by designated resources or any member of the university administration, depending on the nature and seriousness of the offense, the *Focal Persons* shall take appropriate steps to provide interim measures that may be requested by the affected persons or as otherwise may be deemed appropriate. If the affected person is not satisfied with the measures taken, he or she may contact any member of the *Harassment Inquiry Committee* for necessary action. Interim measures include but are not limited to:

i. Adjustment in class or examination schedules, including for the purposes of attending hearings;
ii. access to counseling services or other appropriate medical assistance;
iii. change in the work assignments for employee;
iv. arrangement for any assessments or evaluations to be made by a neutral person;
v. adjustment to class schedule, including withdrawal from course or changing the section;
vi. notifying the campus security officials regarding the violation;
vii. impositions of a university wide order designed to prohibit contact or communication between certain persons;
viii. change of the housing arrangement of certain persons (if availing hostel facility); or
ix. any other measures that may be deemed appropriate.

7. HARASSMENT INQUIRY COMMITTEE

7.1 The *Harassment Inquiry Committee* shall be responsible for the investigation and adjudication of any complaint received in connection with the violation of this policy.

7.2 The *Harassment Inquiry Committee* shall be constituted in the following manner:

i. The committee shall consist of three members, at least one of whom shall be a woman and one of the members shall be a member of the senior management of the university.

ii. All members of the committee shall be employees of the university and will be appointed by the Vice Chancellor (the "VC"). The VC may co-opt one or more members from inside / outside the university if it is otherwise not possible to designate three members as described above or may need to increase the number of head count of the committee as and when required or because of long leaves of any permanent member.

iii. Members of the Committee shall be individuals who are known for being principled, credible, fair, gender-sensitive and have a strong character (someone who will not change their decision due to pressure from friends, colleagues or seniors). They shall have not conflict of interest in particular cases and shall be impartial and unbiased.

iv. Members of the Committee shall be appointed for a term of two year (shorter terms may be required occasionally to fill vacancies). No member shall serve for more than two consecutive terms. Former members will be eligible for reappointment after a lapse of two years.

v. One of the members of the committee shall be appointed as the Chair by the VC, whose duties shall include, but are not limited to: maintaining order during hearings, answering procedural questions, granting or denying adjournments, maintaining proper documentation of the proceedings, which shall constitute the official record and reporting recommendations of the Committee to the VC. All these duties shall be undertaken in consultation with the Committee members.

vi. In case a complaint is made against one of the members of the committee, that member shall be replaced by another (impartial member) for that particular case.

vii. If the facts of the complaints are established against a member of the committee, he/she shall immediately be replaced with another member, and he/she will not be part of any inquiry.

7.3 The Human Resource Department shall arrange training to members of the *Harassment Inquiry Committee* in investigation and adjudication of conduct prohibited under this policy.

7.4 In case of Harassment complaint against the Vice Chancellor, Registrar or Director of Human Resource Department; The Harassment *Inquiry Committee* will be constituted by the Chancellor / Pro-chancellor and necessarily all members of the committee will be appointed from the university's Board of Governors in the ratio as defined in clause 7.2.(i)

8. INVESTIGATION AND ADJUDICATION

8.1 All complaints alleging harassment shall be forwarded to the Inquiry Committee within 24 working hours of being received by the Focal Persons or any other office of the university.

8.2 As soon as is reasonably practicable after receiving a complaint, the Inquiry Committee shall determine whether the alleged conduct in the complaint meets the criteria set forth in Sections 2 (Prohibited Conduct) and Section 3 (Jurisdiction) of this policy. If it is determined by a majority of the members of the Inquiry Committee that the alleged conduct meets the aforementioned criteria, a formal investigation shall be initiated.

8.3 In the absence of a formal complaint, if a serious violation of the policy is reported to the Inquiry Committee, or a series of allegations against the same person are received, the Inquiry Committee may determine by majority vote to initiate proceedings after notifying the VC.

8.4 After initiating the investigation, and not later than three working days of the receipt of a written complaint, the Inquiry Committee shall:

i communicate to the accused the charges and statement of allegations leveled against him/her, the formal written receipt of which will be given;

ii Require the accused within seven working days from the day the charge is communicated to him/her to submit a written defense and on his/her failure to do so without reasonable cause, the Committee shall proceed expert; and

iii Enquire into the charge and may acquire and examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary

(including by summoning potential witnesses) and each party shall be entitled to cross-examine the witnesses against him/her.

8.5 The following rules shall be applicable to the hearings conducted by the Inquiry Committee:

i All hearings shall be closed hearings;
ii The Inquiry Committee will hear statements from the complainant(s) and respondent(s), the witnesses if any (as required) and study any other documents and/or evidence as presented by the relevant parties or collected in the process of conducting inquiry;
iii The Inquiry Committee shall have discretion to limit testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case;
iv The Chair of the Inquiry Committee shall have the power to compel a witness to attend, and the complainant(s) and/or respondent(s) may request the Chair's aid in this regard;
v The complainant and the respondent may at any stage of any of the procedures outlined in this policy be represented and/or accompanied by another person of her/his choice.
vi The Committee shall have the right to acquire any relevant piece of evidence to further their understanding of the case and the relevant parties, witnesses and administration are required to provide them with this documentation and/or evidence to facilitate the investigation;
vii Objective documentation of the proceedings of the Inquiry Committee shall be maintained where high confidentiality of the records and other such material shall be upheld at all times;
viii The respondent shall be allowed to cross question the complainant and witnesses unless the committee decides otherwise;
ix Where any procedural matter is not dealt with in this policy, the Inquiry Committee may, guided by the principles of fairness, establish any appropriate procedure.

8.6 Members of the university community have an obligation to cooperate in an investigation, and refusal to cooperate may result in disciplinary action. There may be circumstances in which the complainant may wish to limit their participation in the proceedings. The complainant shall not be subject to discipline, but the university may be obligated to proceed with the investigation.

8.7 Following the formal hearing, the members of the Inquiry Committee shall deliberate and determine the validity of the complaint based on the totality of the circumstances. The presence or absence of evidence cannot always be the sole criteria on which a judgment can be made. The credibility of statements and context must be kept in mind during the deliberations. The committee members will reach a decision unanimously or by a majority after the deliberations. Where the complaint is found to be valid, the Committee will recommend an appropriate penalty.

8.8 The Inquiry Committee shall complete the inquiry and recommend its final decision within a period of 30 days. It shall then send its decision to the VC giving its findings in writing by recording reasons thereof (which shall include if any note of dissent) for endorsement and action. Recommendation of the Inquiry Committee shall be implemented within seven days through the Registrar office after the VC endorsement.

8.9 The Director Legal of the University may be consulted at any stage by the Inquiry Committee, the

Registrar, or the Vice Chancellor in connection with inquiries, investigations, committee recommendations, or matters pertaining to the interpretation and compliance of anti-harassment laws applicable to the university and the country.

9. CONFIDENTIALITY

9.1 Confidentiality shall be enjoined on the Focal Persons, the Inquiry Committee and all others involved in the process. This does not preclude the reasonable and discreet disclosure of information in order to elicit the facts of the case, or to implement and monitor properly the terms of any decision.

9.2 The Focal Persons, members of the Inquiry Committee and their support staff shall be subject to administrative disciplinary action for inappropriate breaches of confidentiality on their part.

9.3 All notes and records arising in connection with an investigation shall be maintained in a confidential file at the Human Resource Department (for faculty and Staff) / Registrar office (student personal / record file).

10. PENALTIES

10.1 In cases in which the respondent is a student, the following sanctions may be imposed:

i. In case of minor violations, the student may be issued a warning or reprimand. These shall be considered when adjudicating future violations.

ii. In case of more serious violations, the following formal sanctions may be imposed: disciplinary probation, withholding of degree for a period of time, suspension or expulsion.

iii. The following may be added to any of the penalties listed above: campus service; relocation from campus housing (if availing university hostel facility); exclusion of the respondent from a designated portion(s) of university buildings or grounds, or from one or more designated activities, (provided such penalty is appropriate to the offense and where the penalty does not prevent the respondent from pursuing her/his studies); attending educational program; inclusion of decision in the student's record, except in the case of the first instance of a minor violation (for up to seven years).

10.2 In cases in which the respondent is a member of the faculty, researcher or employee/staff of the university, the following sanctions may be imposed (individually or in combination), keeping in view the terms of the applicable employment policies:

i. oral or written reprimand;
ii. counseling or training;
iii. inclusion of the decision in a specified personnel file(s) of the respondent;
iv. exclusion of the respondent from a designated portion(s) of university buildings or grounds, or from one or more designated university activities, where such penalty is appropriate to the offense and where the penalty does not prevent the respondent from carrying out her/his professional duties;
v. the imposition of a fine;

vi. recommendation for suspension of the respondent without pay;
vii. recommendation that dismissal proceedings be commenced; or
viii. other sanctions, as deemed appropriate, in accordance with the terms of the university employment policies.

11. RIGHT OF APPEAL

11.1 Both the complainant and the respondent shall have a right to appeal the decision of the Inquiry Committee within a period of 30 days from the date of notification of the decision.

11.2 There shall be a three-member Appellate Body for harassment complaints against any employee(s), appointed by the Vice Chancellor. The Appellate Body shall comprise two independent Faculty Deans and the Director, Quality Enhancement Cell (QEC), with the stipulation that at least one member shall be a woman. No member of the Inquiry Committee shall concurrently serve as a member of the Appellate Body. In cases where a complaint is lodged against a member of the Appellate Body, that member shall be replaced by another impartial member for the particular case.

11.3 There shall be a three-member Appellate Body for harassment complaints against any student(s), appointed by the Vice Chancellor. The Appellate Body shall comprise two independent Faculty Deans and the Director, Student Affairs, with the condition that at least one member shall be a woman. In cases where the matter pertains to a student from the faculty of a Dean serving on the Appellate Body, the Vice Chancellor shall nominate an alternate Dean to serve for that particular case.

11.4 No member of the Inquiry Committee shall concurrently be a member of the Appellate Body. In case the complaint had been made against one of the members of the committee, that member shall be replaced by another (impartial member) for that particular case.

11.5 Appeal to the Appellate Body against the decision of the Inquiry Committee can be filed on the following grounds:

i. the alleged conduct does or does not fall within the scope of this policy;
ii. the Inquiry Committee reached a decision without consideration of material information;
iii. the imposed penalty is unfair because it is disproportionate or materially different from that imposed for similar misconduct; or
iv. the adjudication process followed by the Inquiry Committee was procedurally unfair.

11.6 In order to reach its decision, the Appellate Body may communicate with the parties, the members of the Inquiry Committee or other members of the university as it deems fit.

11.7 The Appellate Body may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within 30 days in respect of which such appeal is made, and shall communicate the decision to both the parties, the VC and the Inquiry Committee through the Registrar office.

11.8 The Director Legal of the University may be consulted at any stage by the Appellate Body in connection with inquiries, investigations, committee recommendations, or matters pertaining to the

interpretation and compliance of anti-harassment laws applicable to the university and the country.

12. MALA FIDE ALLEGATION

12.1 False allegations of harassment made out of malice or intent to hurt the reputation of the persons against whom the complaint is filed are to be dealt with as serious offences. Making mala fide allegation of harassment knowing it to be false, whether in a formal or informal context, is a serious offense under this policy.

12.2 In the event that the Inquiry Committee determines that a false allegation made in the complaint with mala fide intent, it may recommend appropriate action against the complainant by sending its findings to the VC (by recording reasons thereof and including any note of dissent) for endorsement and action.

13. PROTECTION AGAINST REPRISAL

13.1 The university authorities ensure that official (s) shall not allow reprisal or threats of reprisal against any member of the university community who makes use of this policy (formally or informally). The university authorities shall also prohibit such threats or actions against anyone who participates (e.g. testifies, assists, etc.) in proceedings held under its jurisdiction.

13.2 Retaliation or any other action against complainant of sexual harassment is to be taken seriously under the provisions of this policy. All allegations of retaliation would be investigated formally under the purview of this policy, and if substantiated, would result in appropriate disciplinary action.

14. SPECIAL CONSIDERATIONS REGARDING RELATIONSHIPS BETWEEN INDIVIDUALS

14.1 In contrast with harassment, personal relationships among consenting adults of the university that do not breach the social and cultural norms of the society are, in general, a private matter.

14.2 Under the policy it is highly inappropriate for any member of the University community to establish an intimate relationship with a student, subordinate or colleague on whose academic or work performance he or she will be required to make professional judgments. The policy requires that the individual may not involve themselves in such conduct as the professional responsibility for supervision or oversight would be affected in such cases. Relationships with a difference in power and authority can seriously affect the institutional working as well as the credibility of all involved. In particular, intimate or romantic relationships between faculty members and students (whether at the undergraduate or the graduate level) shall be prohibited.

15. EDUCATION FOR PREVENTION

15.1 To ensure prevention of harassment on campus, the relevant university departments will develop programs to educate its staff, faculty and students as well as provide written material for reference.

15.2 The registrar office will ensure that the current anti-harassment policy shall be available on university website, university employees and student portals. Moreover, the Human Resources Department

will ensure that the policy will be part of orientation package of new hiring of the university.

15.3 The names of the Focal Persons and the members of the Inquiry Committee shall be made visible/accessible to the university website, posted on notice boards, etc.

15.4 The Human resources department will ensure that its relevant members (e.g., Focal Persons, members of the Inquiry Committee, HR personnel, etc.) attend a training to educate themselves on harassment and relevant the laws and policies. Once trained, designated HR personnel shall be made responsible for educating all personnel, staff, faculty, students that join the university. This will be an ongoing activity.

15.5 All departments at university must disseminate and display information about these programs, what constitutes harassment, how to respond to it and what to do when someone asks for advice about harassment.

ANNEXURE 1 EXAMPLES OF SEXUAL HARASSMENT CASES AT HEIS

A. Actual Reported Cases

The following is a list of actual reported cases that are provided as examples of what constitutes sexual harassment.

a. Asking female students to visit personal offices of their supervisors/authorities in-charge after office hours to discuss their grades and assignments.

b. Asking female students to meet supervisor/authorities in-charge out of the HEI premises with the promise of improvement in grades.

c. Financial and sexual gratification from graduate students (PhD, M-Phil, Masters) by their supervisor.

d. Unwelcome sexual advances, whether or not they involve physical touching.

e. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life.

f. Comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess; displaying sexually suggestive objects, pictures, or cartoons.

g. Unwelcome staring, whistling, brushing against the body, sexual gestures, or suggestive or insulting comments.

h. Inquiries into one's sexual experiences.

i. Discussion of one's sexual activities (even if males are discussing this it is done deliberately in front of female students or colleagues).

j. Using derogatory and abusive language that refers to others' mother's or sister's bodies.

k. Acts of sexual connotation relating to the same as a common usage in conversation.

B. Types and Examples

The following list provides further examples of actual reported or common cases by category:

1. Misconduct by Teachers

a. Male Teacher asked the Female student, if you want an "A" grade, you need to take your final exam at my home.

b. Male head of the department forced the female subordinate employee by telling her that if she wants her contract extended she needs to spend time with him after office hours.

c. Male HOD deliberately touching or hitting the body of female employee by file or pen/pencil.

d. Male Teacher refers to female bodies and reproductive cycles to embarrass female students during class lectures.

e. Needy female students were given financial support by Faculty member in exchange for sexual favors.

f. Students complaints of a teacher telling vulgar jokes during classes which had sexual innuendos

g. Complaints against male supervisor/teacher spending long hours locked away in office with a young female colleague or student.

2. Misconduct by Students

a. A male student making vulgar jokes about a female student on social media or verbally telling vulgar jokes about her to his fellow students.

b. Students sending in written notes letters, emails with requests for intimacy

c. Female student asked the teacher to provide the final grade list of all students. When the teacher refused to do that, the student registered a complaint against the teacher that he tried to hold her hand in the parking lot while asking her to meet in private for a grade list.

d. Female students visit a male teacher in his office unnecessarily and spend long hours initiating intimacy for benefits (of grades, employment or even monetary).

e. Repeatedly following particular female students around the campus

3. Misconduct by Employees

a. Using vulgar language to address females (student, faculty and other employees)

b. To touch their intimate parts in the presence of women

c. Younger faculty member was blocked by the Dean of the relevant faculty to get higher education (PhD/Phil) [upon her refusal to comply with his undue demands].

d. Junior faculty was transferred to another department against her will by the authorities as a punitive measure for not complying with undue requests for (sexual) favors.

e. Giving extra favors to young female faculty/staff in nominating their names for international/domestic trips for their attention.

f. Threatening female students by using forged/fake documents and pictures to blackmail them into compliance.

g. Anonymous letters/pamphlets/e-mails defaming or character assassination of employees/teachers/students.